



**Order under Section 21.2 of the
Statutory Powers Procedure Act and the
Residential Tenancies Act, 2006**

Citation: Dhir v Mayaki, 2026 ONLTB 29582

Date: 2026-04-09

File Number: LTB-L-005203-26-RV

In the matter of: 1204, 50 Absolute Ave
Mississauga ON L4Z0A8

Between: Deepak Dhir Landlord

and

Patrick Mayaki
Oziohu Bridget Mayaki Tenants

Review Order

Deepak Dhir (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick Mayaki and Oziohu Bridget Mayaki (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-005203-26 issued on March 31, 2026. Only the Landlord's Legal Representative, Thirusenthuran Sivapatham, attended the hearing.

On April 8, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that the Tenants were not reasonably able to participate in the proceeding.
2. The LTB's records indicate that a copy of the Notice of Hearing was mailed to the Tenants on February 21, 2026. The Tenants do not indicate that they never received the Notice of Hearing from the LTB. While the Tenant, Patrick Mayaki ('PM'), alleges that he was unable to participate because he was ill, the request does not provide sufficient reasons to explain how they were not reasonably able to participate in the March 25, 2026 hearing. The request does not identify any specific illness or diagnosis and its impact on the Tenant's ability to participate in the hearing. Additionally, the request

provides no explanation as to why the second-named Tenant, Oziohu Bridget Mayaki, could not attend and participate in the hearing or request an adjournment.

3. The Divisional Court has affirmed that even in the case where a party has provided a medical note to support their position that they were not able to participate in the proceeding, the note must contain sufficient information for the tribunal to determine whether the party can participate¹.
4. The doctor's note submitted in support of the request for review states that the Tenant cannot work because they are unwell. Pursuant to the Divisional Court's decision in *Wang v. Oloo*, 2023 ONSC 1028 CanLII (Div. Ct.) ('*Wang*'), it is reasonable to expect that the doctor's note would, at minimum, describe the nature of the illness and the effect of the illness on the PM's ability to participate in the hearing. The doctor's note submitted by the Tenants describes neither of these two elements.
5. Additionally, neither Tenant attended the hearing to request an adjournment nor did they send an agent or a representative to request an adjournment. A party to a Board application is required to attend the scheduled Board hearing. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII) and *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII), the Court affirmed that a party must comply with the Board's process to reschedule or adjourn the hearing if the party is not reasonably able to attend and participate in the proceeding.
6. Rule 21.1 of the Board's *Rules of Procedure* states that the request to reschedule the hearing must be received by the LTB as soon as reasonably possible and not less than 5 business days before the scheduled hearing date. Rule 21.1 also states that the request to reschedule must be on consent of all parties.
7. Here, although PM emailed the LTB requesting to reschedule the March 25, 2026, the request was not received by the LTB 5 business days before the scheduled hearing nor was it made with the Landlord's consent, as required by Rule 21.1.
8. The Board did not give the parties notice that the March 25, 2026 hearing had been rescheduled. The Tenants, therefore, were still required to attend the Board proceeding. The Tenants could have attended the hearing and requested an adjournment before the presiding Member. The Tenants do not explain in the review request their omission to do so.
9. Keeping in mind the Divisional Court's decisions in *Lacroix* and *Wang*, I find that the Tenants have not demonstrated that they were not reasonably able to participate in the March 25, 2026 Board proceeding. Although the Board did not respond to the Tenants' email requesting to reschedule the hearing, the Tenants decided not to attend in person or by agent to participate in the proceeding. The Tenants' decision was not reasonable and does not represent good cause to review the March 31, 2026 Board order. The Tenants' omission to attend the hearing or to have a legal representative or agent attend

¹ *Wang v. Oloo*, 2023 ONSC 1028 CanLII (Div. Ct.)

on the hearing date to request an adjournment was also not consistent with the duty to exercise reasonable diligence to participate in a Board proceeding².

10. With respect to the serious error alleged, the Tenants seek to challenge the Landlord's evidence on the lawful monthly rent amount and amount of arrears owed. The Tenants state that the Landlord unlawfully increased the rent and that there are discrepancies in the Landlord's ledger; the Tenants seek the opportunity to submit their own evidence. This does not amount to a serious error in the order or in the proceedings. The opportunity to challenge the Landlord's evidence was at the hearing stage not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
11. As the Tenants have failed to establish that there is a serious error in the order or that they were not reasonably able to participate in the proceedings, the request to review must be denied.

It is ordered that:

1. The request to review order LTB-L-005203-26 issued on March 31, 2026 is denied. The order is confirmed and remains unchanged.

April 9, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

² *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII)